

Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 22-cv-22538-ALTMAN/Reid

PIERCE ROBERTSON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

/

DECLARATION OF HOWARD BUSHMAN

I, Howard Bushman, hereby declare as follows:

1. I am a Partner at the Moskowitz Law Firm, PLLC and one of the counsel of record for Plaintiffs in the above-referenced action. I have personal knowledge of the facts stated herein, and if called upon as a witness, I would and could testify competently to the matters set forth herein.

2. Beginning in late December 2022, I was tasked with responding to any discovery issues or requests raised by the Defendants to prepare for the upcoming depositions of the Florida Plaintiffs.

3. I informed Defendants' counsel to reach out to me with any questions they had so that we could streamline the process.

4. In or about early January 2023, Defendants' counsel, primarily Stephen Best, contacted me to seek answers and/or clarification on various issues concerning the Plaintiffs, primarily, Rachel Gold, Sanford Gold, and Pierce Robertson.¹

5. Every time Defendants' counsel asked a question, I answered it immediately and where necessary, made every attempt to obtain the answer from the appropriate individuals prior to the depositions to streamline the questioning.

¹ Sanford Gold and Pierce Robertson are no longer class representatives in the action.

6. During the course of several weeks, Defendants' counsel continued requesting additional information concerning the Plaintiffs.

7. A total of over a dozen calls and emails were exchanged between myself or my office, and Defendants' counsel.

8. For example, on January 9, 2023, I sent an email to Mr. Best (copying other counsel) outlining the current state of the depositions and discovery process, attached as **Exhibit 1**.

9. On January 9, 2023, I emailed screen shots of Pierce Robertson's Voyager account that were requested by Mr. Best over the phone.

10. On Sunday, January 15, 2023, I discussed Ms. Gold's Voyager account in detail with Defendants' counsel during a lengthy conference call. During this call, I made Defendants' counsel aware that Ms. Gold had used marital funds to fund the account and why Ms. Gold had used Mr. Rares' name during the registration.

11. On January 20, 2023, without the need for formal production, I expedited production of cell phone screen shots provided by Plaintiff Gold so that Defendants' counsel could have them to prepare for Ms. Gold's deposition.

12. On January 24, 2023, I received a telephone call to my cell phone from Mr. Best asking me to review certain deposit transactions of Mr. Robertson with him and confirm issues related to his final account balance at the time Voyager declared bankruptcy. That same day, I confirmed the transactions in an email to Mr. Best. We had a phone call detailing all of the information less than 24 hours. No further requests for more information came.

13. All of the information relayed to Mr. Best, and his co-counsel, regarding the facts of the Plaintiffs was confirmed in the depositions of the representative Plaintiffs.

14. At all times, the process was professional and coordinated, and at no time did Defendants' counsel raised any issues regarding delays in obtaining the information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate to the best of my knowledge and belief.

Executed: May 23, 2023.

By: /s/ Howard Bushman
Howard Bushman, Esq.

Exhibit 1

Subject: Robertson v. Mavericks/Cuban: Plaintiffs' Depositions and Documents

Date: Monday, January 9, 2023 at 1:23:29 PM Eastern Standard Time

From: Howard Bushman

To: Best, Stephen A., Adam Moskowitz, Wolkinson, Rachel O., Wissner-Gross, Sigmund S., Rejane Passos, atifford@fowler-white.com, aherazo@fowler-white.com, rshindler@fowler-white.com, cknigh@fowler-white.com, golivares@fowler-white.com, egalicia@fowler-white.com, sabreu@fowler-white.com, Meyers, Jessica N., Kerns, Daniel F., Joseph Kaye, Barbara C. Lewis, dboies@bsflp.com, aboies@bsflp.com, lcarlsen@bsflp.com, szack@bsflp.com, balexander@bsflp.com, Cwashenko@bsflp.com, mayala@bsflp.com, ashaw@bsflp.com, José Ferrer

Counsel,

This email relates to the depositions of the Class Representatives in the subject referenced matter. We are all in receipt of the Court's Order on Discovery. Hopefully, with a few direct calls and by providing some facts, we can set up a workable schedule, which is both efficient and complete for everyone. As ordered by the Court today, we will complete production of the Class Representative documents by Friday, January 13, 2023.

Thereafter, depositions can begin. I will be defending these few depositions and currently, have a pre-scheduled Motion to Dismiss hearing on Jan. 18th in Jacksonville and a Class Certification hearing on January 20th in Tampa, Florida in other cases.

Pierce Robertson:

The Court ordered that Mr. Robertson's deposition may occur during the week of January 9, 2023 in Illinois. He is available on Thursday January 12, 2023, but if you would like some more time, or like time to review any and all of his materials, he is also available on January 26, 2023. Further, if you would like the deposition live in Miami, the week of February 6, 2023 works as well.

Either way, please let me know by tomorrow so I can make travel arrangements.

Further, we produced screen shots from the Voyager app last Thursday night which show the deposits made and the accounts those deposits came from. If those are not the screen shots Stephen was talking about at the hearing, please send me an exemplar of what you want and we will make every endeavor to obtain same and produce it immediately. We will also attempt to expedite his production so that you have the documents in advance of any deposition.

Rachel Gold, Eric Rares, and Sanford Gold:

The Court has ordered take Rachel Gold's deposition in her home live on January 23, 2023.

As I stated at the hearing today, Ms. Gold created a family account with marital assets under her husband's name, Eric Rares. Ms. Gold ran the account with full authority. Sanford Gold signed up for an account after consultation with Rachel Gold, and Ms. Gold (as his authorized representative) ran Sanford's account with his permission.

We understand the Defendant's desire to probe Sanford Gold's decades old criminal past, but given that he will have little information as to his Voyager account, his deposition should be much shorter than

Ms. Gold's. Further, Mr. Rares deposition should be shorter as Ms. Gold handled all of the Voyager related activity.

If you are planning a half-day deposition for Ms. Gold, we could schedule Mr. Rares right after it, and then Mr. Gold, if time permits.

Alternatively, Sanford Gold could be done on January 24th at Rachel Gold's home (Mr. Gold is in his 70s and driving to Miami would be a burden), but we will make him available per the Court's order.

We hope this would be a workable schedule.

Ms. Mayrand and Mr. Karnas:

As we explained to you and Judge Reid the past few weeks, our current plan is to add just 2 Plaintiff Class Representatives from Florida: (1) Ms. Mayrand and (2) Mr. Karnas. We will be producing all of their responsive materials by the Court date. We have already cited to you the applicable law on adding class representatives any time, as in some cases, right prior to trial in class actions (as has been done in class action cases 5-6 years into the litigation). You have stated that you do not want to depose either of these 2 individuals, but we repeat that we are going to make them available (as per the Court's Order) only once, and thus in the next 3 weeks. Please reconsider, but you can certainly decide if you want to take their depositions in this matter.

Please just tell me a few good times this week, so that our teams we can discuss all of the above this week. We reiterate that if you would like to take any of the Plaintiffs' depositions via Zoom, we can be way more flexible, and have had great success doing so in other cases.

Thank you,

Howard

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